

---DRAFT UNAPPROVED---

ADVISORY BOARD ON RESPIRATORY CARE

Minutes

October 5, 2010

The Advisory Board on Respiratory Care met on Tuesday, October 5, 2010 at 1:00 p.m. at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Henrico, Virginia.

MEMBERS PRESENT: Stan Holland, RRT, Vice-Chair
Natalie Napolitano, RRT
Daniel Rowley, RRT
Michael Blumberg, MD

MEMBERS ABSENT: Milagritos Flinn

STAFF PRESENT: William L. Harp, M.D., Executive Director
Ola Powers, Deputy Executive Director of Licensing
Elaine Yeatts, Senior Regulatory Analyst
Bradley Verry, Licensing Specialist

GUESTS PRESENT: Jolynn Hamelman, VSRC
Paul Darby, VSRC
James Pickral, VSRC
Alex Brendel, RRT

Call TO ORDER

Stan Holland called the meeting to order and announced the Emergency Egress Procedures.

ROLL CALL

Roll was called. A quorum was present.

APPROVAL OF MINUTES OF OCTOBER 6, 2009

Dr. Harp asked Mr. James Pickeral, VSRC representative, to address his concern regarding wording in the minutes of October 6, 2009 under item #2, Respiratory Care Scope of Practice Issue, specifically, the task of fitting a mask. After much discussion, Dr. Blumberg moved to approve the minutes of October 6, 2009 as written. The motion was seconded and carried. Additionally, Mr. Rowley moved that Dr. Harp request an attorney general's opinion regarding the issue of whether fitting a mask was a clinical act that could only be performed by licensed personnel, as the laws governing respiratory care, durable medical equipment companies and polysomnography appear to collide. The motion was seconded and carried.

ADOPTION OF AGENDA

Mr. Rowley moved to adopt the agenda, but to address agenda items #5 and #6 first. The motion was seconded and carried.

PUBLIC COMMENT ON AGENDA ITEMS

There was no public comment.

NEW BUSINESS

#1. Brief orientation to the Department and Board

This item was moved to the end of the agenda after other new business. Dr. Harp provided the Advisory Board members with a brief orientation as a prelude to the Department's scheduled October 27, 2010 orientation presentation.

#2. Review of HB725 – Licensure of Polysomnography

Ms. Yeatts explained the bill from this past Session of the General Assembly that became law July 1, 2010 requiring licensure for polysomnography under the Board of Medicine. She informed the Advisory Board that an Advisory Board on Polysomnography has not yet been appointed; regulations cannot be promulgated until an Advisory Board is in place.

#3. Allied Health Board – Update

Ms. Yeatts explained the Department's process to study the need for an Allied Health Board. She conveyed to the Advisory Board the Department's recommendation that an Allied Health Board not be created at this time.

#4. Review of 2010 Legislation

Ms. Yeatts informed the Advisory Board of the two bills of interest. There was no action necessary.

#5. Transport across state lines issue – Alex Brendel, RRT

Alex Brendel, RRT, Neo/Peds Transport Team for Carilion, presented a request for an exemption/temporary license or possibly reciprocity to allow respiratory care practitioners from border state to cross into Virginia and practice temporarily while involved in neonatal transport. Mr. Brendel asked the Advisory Board and the Board of Medicine to effect this change. Dr. Harp pointed out that neither has the authority to do so, that such a change must go through the General Assembly. The idea was considered meritorious and it was suggested that he try to find a legislator to sponsor such a bill. The legislation might be as straightforward as creating an exemption to licensure in Section 54.1-2901 of the Code of Virginia. Ms. Yeatts explained the Department's legislative process and offered assistance to him in this endeavor. The Advisory Board expressed its support.

#6. Delivery of CPAP/BIPAP equipment and mask-fitting

This item was discussed prior to the Approval of Minutes of October 6, 2009, and a motion made. Mr. Pickral stated that the new law regarding licensure for Polysomnography may resolve his issue in that Section 54.1-2957.15C(e) of the Code of Virginia states that the practice of polysomnographic technology means the professional services practiced in any setting under the direction and supervision of a licensed physician involving the monitoring, testing, and treatment of individuals suffering from any sleep disorder. The limits of this scope of practice was discussed. As per the discussion regarding the minutes, an attorney general's opinion will be sought.

#7. Election of Officers

Daniel Rowley moved to nominate Stan Holland as Chair. The motion was seconded and carried. Dr. Blumberg volunteered to serve as Vice-Chair. The Advisory Board accepted.

ANNOUNCEMENTS

The Advisory Board welcomed new members, Natalie Napolitano, RRT, Daniel Rowley, RRT, and Michael Blumberg, MD to the Advisory Board on Respiratory Care.

NEXT SCHEDULED MEETING

February 1, 2011

ADJOURNMENT

The meeting of the Advisory board was adjourned.

Stan Holland, RRT, Chair

William L. Harp, M.D.
Executive Director

Bradley Verry, Licensing Specialist